

REMARKS

Claims 1-30 were pending in this application at the time the present Office Action was mailed (December 23, 2008). In this response, Claims 1, 3-11, 13-21, and 23-30 have been amended to clarify certain claim features to expedite prosecution, and without prejudice to or disclaimer of pursuing the subject matter of the claims as previously presented in a continuation, divisional, or other application. Claims 2, 12, and 22 have been canceled. No claims have been added. Accordingly, Claims 1, 3-11, 13-21, and 23-30 are currently pending.

In the present Office Action, pending Claims 1-30 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) Claims 1, 4, 5, 9-11, 14, 15, 19-21, 24, 25, 29, and 30 stand rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 6,067,562 to Goldman ("Goldman"), U.S. Pat. No. 5,996,015 to Day et al. ("Day"), U.S. Patent Application Publication No. 2002/0158895 by Murase et al. ("Murase"), and U.S. Patent Application Publication No. 2004/0222047 by DiFranza et al. ("DiFranza");
- (B) Claims 2, 12, and 22 stand rejected under 35 U.S.C. § 103(a) over the combination of Goldman, Day, Murase, DiFranza, and U.S. Patent No. 5,774,672 to Funashashi et al. ("Funashashi");
- (C) Claims 3, 13, and 23 stand rejected under 35 U.S.C. § 103(a) over the combination of Goldman, Day, Murase, DiFranza, Funahashi, and U.S. Patent Application Publication No. 2004/0222047 by Amo et al. ("Amo");
- (D) Claims 6, 7, 16, 17, 26, and 27 stand rejected under 35 U.S.C. § 103(a) over the combination of Goldman, Day, Murase, DiFranza, and U.S. Patent Application Publication No. 2004/0222047 by Addington ("Addington"); and

(E) Claims 6, 8, 16, 18, 26, and 28 stand rejected under 35 U.S.C. § 103(a) over the combination of Goldman, Day, Murase, DiFranza, and U.S. Patent No. 6,609,097 to Costello et al. ("Costello").

A. Response to the Section 103(a) Rejection of Claims 1, 4, 5, 9-11, 14, 15, 19-21, 24, 25, 29, and 30 (Goldman, Day, Murase, and DiFranza)

Claims 1, 4, 5, 9-11, 14, 15, 19-21, 24, 25, 29, and 30 were rejected under Section 103(a) over the combination of Goldman, Day, Murase, and DiFranza. Independent Claim 1 has been amended to incorporate the features of dependent Claim 2, which the Office Action rejected under Section 103(a) over the combination of Goldman, Day, Murase, DiFranza, and Funashashi. For at least the reasons discussed below, these references cannot support a Section 103 rejection of independent Claim 1 as now presented.

Claim 1, as amended, is directed to a method of producing and delivering streams of content. The method includes periodically querying a database for station playlists and receiving the playlists from the database. The method further includes analyzing the received playlists to determine content that needs to be retrieved from a content source, retrieving such content from the content source, and caching the retrieved content on a local disk. The method further includes, "in response to a disruption in the retrieval from the content source of content associated with a first playlist corresponding to a first station, wherein a first stream of content corresponds to the first station," performing the following: 1) "continuing to advance through tracks of the first playlist;" 2) "copying a first track of the first playlist from the local disk to a memory cache prior to reaching a last track of the first playlist;" 3) "linking the last track of the first playlist to the first track of the first playlist in order to loop at least some of the tracks of the first playlist in the first stream of content;" and 4) "transmitting the first stream of content containing the looped tracks of the first playlist to the at least one distribution point for relaying to the at least one client terminal."

Goldman, Day, Murase, DiFranza, and Funashashi, alone or in combination, do not teach or suggest these features of Claim 1. In rejecting Claim 2, the Examiner

admits that Goldman, Day, Murase, and DiFranza do not teach or suggest continuing to advance through a playlist if delivery of new content or schedule is disrupted. (Office Action, p. 5.) The Examiner, however, asserts that Funashashi describes repeating a playlist when new content is not available. (*Id.*) Funashashi, however, does not teach or suggest repeating a playlist "in response to a disruption in the retrieval from the content source of content associated with a first playlist corresponding to a first station," as recited in Claim 1. Rather, the relied-upon portion of Funashashi actually describes that karaoke song data, which includes lyric data and vocal/instrument accompaniment data, is "serially transmitted [from a central control unit] to each of the karaoke terminals 5 via the head end 21 and the coaxial cable 7." (Funashashi, 7:29-35.) Funashashi further describes that "all songs can be transmitted in a time cycle of about 40 seconds." (Funashashi, 7:44-46.) Because this karaoke song data can be transmitted quickly, Funashashi describes that "[w]hen transmission of all songs is completed, transmission from the first song is repeated for every channel." (Funashashi, 7:44-46.) According to Funashashi, this provides "a permissible time period for a user to wait from when the user requests a desired song until when the performance of the song begins." (Funashashi, 7:18-25.) Accordingly, Funashashi describes that the central control unit continuously and repeatedly transmits karaoke song data to the karaoke terminals.

However, transmitting karaoke song data continuously and repeatedly does not constitute delivering content "in response to a disruption in the retrieval from the content source of content associated with a first playlist corresponding to a first station," for at least the reason that continuously repeating the transmission of karaoke song data is different from transmitting a stream of content containing looped tracks when there is a disruption in the content retrieval process. Moreover, because Funashashi describes that the central control unit stores "[s]everal thousand songs worth of karaoke song data ... in the memory device 13" (Funashashi, 4:52-54), and does not suggest that the central control unit stores karaoke song data in any other location, any disruption in obtaining karaoke song data from the memory device 13 would prevent the central control unit from transmitting the karaoke song data to the karaoke terminals at all, let alone repeatedly. Accordingly, Funashashi does not teach or suggest "in response to a

disruption in the retrieval from the content source of content associated with a first playlist corresponding to a first station, wherein a first stream of content corresponds to the first station: continuing to advance through tracks of the first playlist; copying a first track of the first playlist from the local disk to a memory cache prior to reaching a last track of the first playlist; linking the last track of the first playlist to the first track of the first playlist in order to loop at least some of the tracks of the first playlist in the first stream of content; and transmitting the first stream of content containing the looped tracks of the first playlist to the at least one distribution point for relaying to the at least one client terminal," and in fact teaches away from these features of claim 1. Accordingly, the combination of Goldman, Day, Murase, DiFranza, and Funashashi cannot support a Section 103 rejection of Claim 1. For at least the foregoing reasons, the rejection of Claim 1 under Section 103(a) should be withdrawn.

Claims 11 and 21 have been amended to recite features similar to the features discussed above in connection with Claim 1, e.g. delivering a stream containing repeated items of content when the retrieval of new items of content is disrupted. Accordingly, for at least the reasons discussed above with reference to Claim 1, the rejection of Claims 11 and 21 under Section 103(a) should be withdrawn.

Claims 4, 5, 9, and 10 depend from base Claim 1, Claims 14, 15, 19, and 20 depend from base Claim 11, and Claims 24, 25, 29, and 30 depend from base Claim 21. As discussed above, the combination of Goldman, Day, Murase, DiFranza, and Funashashi do not teach or suggest all the features of Claims 1, 11, and 21. Accordingly, Claims 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 29, and 30 are allowable over the combination of Goldman, Day, Murase, and DiFranza for at least the reason that these references, either alone or in combination, fail to teach or suggest the features of Claims 1, 11, and 21, and the additional features of corresponding dependent Claims 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 29, and 30. Therefore, the Section 103(a) rejections of dependent Claims 4, 5, 9, 10, 14, 15, 19, 20, 24, 25, 29, and 30 should be withdrawn.

B. Response to the Section 103(a) Rejection of Claims 2, 12, and 22 (Goldman, Day, Murase, DiFranza, and Funashashi)

Claims 2, 12, and 22 were rejected under Section 103(a) over the combination of Goldman, Day, Murase, DiFranza, and Funashashi. Claims 2, 12, and 22 have been canceled and, accordingly, the outstanding rejection of these claims is now moot.

C. Response to the Section 103(a) Rejection of Claims 3, 13, and 23 (Goldman, Day, Murase, DiFranza, Funahashi, and Amo)

Claims 3, 13, and 23 were rejected under Section 103(a) over the combination of Goldman, Day, Murase, DiFranza, Funahashi, and Amo. Claim 3 depends from base Claim 1, Claim 13 depends from base Claim 11, and Claim 23 depends from base Claim 21. As discussed above, the combination of Goldman, Day, Murase, DiFranza, and Funashashi do not teach or suggest all the features of Claims 1, 11, and 21. The Office Action does not indicate that Amo cures the deficiencies of the other references. Accordingly, Claims 3, 13, and 23 are allowable over the combination of Goldman, Day, Murase, DiFranza, Funahashi, and Amo for at least the reason that these references, either alone or in combination, fail to teach or suggest the features of Claims 1, 11, and 21, and the additional features of corresponding dependent Claims 3, 13, and 23. Therefore, the Section 103(a) rejections of dependent Claims 3, 13, and 23 should be withdrawn.

D. Response to the Section 103(a) Rejection of Claims 6, 7, 16, 17, 26, and 27 (Goldman, Day, Murase, DiFranza, and Addington)

Claims 6, 7, 16, 17, 26, and 27 were rejected under Section 103(a) over the combination of Goldman, Day, Murase, DiFranza, and Addington. Claims 6 and 7 depend from base Claim 1, Claims 16 and 17 depend from base Claim 11, and Claims 26 and 27 depend from base Claim 21. As discussed above, the combination of Goldman, Day, Murase, DiFranza, and Funashashi do not teach or suggest all the features of Claims 1, 11, and 21. The Office Action does not indicate that Addington cures the deficiencies of the other references. Accordingly, Claims 3, 13, and 23 are allowable over the combination of Goldman, Day, Murase, DiFranza, and Addington for at least the reason that these references, either alone or in combination, fail to teach or

suggest the features of Claims 1, 11, and 21, and the additional features of corresponding dependent Claims 6, 7, 16, 17, 26, and 27. Therefore, the Section 103(a) rejections of dependent Claims 6, 7, 16, 17, 26, and 27 should be withdrawn.

E. Response to the Section 103(a) Rejection of Claims 6, 8, 16, 18, 26, and 28 (Goldman, Day, Murase, DiFranza, and Costello)

Claims 6, 8, 16, 18, 26, and 28 were rejected under Section 103(a) over the combination of Goldman, Day, Murase, DiFranza, and Costello. Claims 6 and 8 depend from base Claim 1, Claims 16 and 18 depend from base Claim 11, and Claims 26 and 28 depend from base Claim 21. As discussed above, the combination of Goldman, Day, Murase, DiFranza, and Funashashi do not teach or suggest all the features of Claims 1, 11, and 21. The Office Action does not indicate that Costello cures the deficiencies of the other references. Accordingly, Claims 6, 8, 16, 18, 26, and 28 are allowable over the combination of Goldman, Day, Murase, DiFranza, and Costello for at least the reason that these references, either alone or in combination, fail to teach or suggest the features of Claims 1, 11, and 21, and the additional features of corresponding dependent Claims 6, 8, 16, 18, 26, and 28. Therefore, the Section 103(a) rejections of dependent Claims 6, 8, 16, 18, 26, and 28 should be withdrawn.

Conclusion

In view of the foregoing, the pending claims are not directed to obvious subject matter for purposes of 35 U.S.C. § 103 and are therefore patentable over the cited art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (650) 474-8400.

Respectfully submitted,



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